

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**CECELIA J. GARRETT**

**Plaintiff,**

**VS.**

**TEXAS DEPARTMENT OF AGING  
AND DISABILITY SERVICES**

**Defendant.**

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**Case No. 4:12CV776**

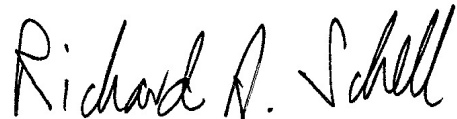
**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 18, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Texas Department of Aging and Disability Services' Federal Rule of Civil Procedure 12(b)(1) Motion to Dismiss (Dkt. 5) be DENIED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant Texas Department of Aging and Disability Services' Federal Rule of Civil Procedure 12(b)(1) Motion to Dismiss (Dkt. 5) is DENIED.

**IT IS SO ORDERED.**

**SIGNED this the 27th day of September, 2013.**



**RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE**